

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

::::

ORDER

**Jugal Kishore.
Vs.
State of Rajasthan & Ors.**

**S.B. CIVIL WRIT PETITION NO.4467/2002
UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.**

DATE OF ORDER :: 05th October, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.K.R. Choudhary, Advocate for the petitioner.
Mr.M.R. Singhvi, Advocate for the respondents.

BY THE COURT

In this petition, the petitioner has prayed for writ of mandamus to be issued to the respondents directing them to make payment of leave encasement for his unutilized leave of 137 days with interest @ 13% per annum. The respondents

have held the payment of leave encasement to the petitioner on the premise that such a benefit was not available to those who compulsorily retired from service. This issued is no longer res integra having been authoritatively decided by a Division Bench of this Court in Deen Dayal Khunteta vs. The State of Rajasthan & Anr. reported in 1995 RLW (1) (Raj.) 419 and a Single Bench Decision of this Court in Dr.J.K. Jain vs. The State of Rajasthan & Ors., reported in 1996 WLC (Raj.) (3) 470, wherein even those retired compulsorily have also been held entitled to leave encasement. In fact Rule 89 of the Rajasthan Service Rules was later amended fall in line with the view taken by the Court.

For the reasons stated above, the writ petition is allowed and the respondents are directed to make payment of grant of leave encasement together with interest @ 6% per annum within a period of three months from the date copy of this order is served upon them. There shall be no order as to costs.

[MOHAMMAD RAFIQ],

J.

A.K.Chahar/-